

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:   MICHAEL JASON FABRIZIO   TERRI  
          LEIGH FABRIZIO

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE

Movant

CASE NO: 1-18-00714-HWV

vs.

MICHAEL JASON FABRIZIO   TERRI  
LEIGH FABRIZIO

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on May 30, 2019, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney James K. Jones, Esquire, and respectfully represents the following:

1. An Amended Plan was filed on February 6, 2019.
2. A hearing was held and an Order was entered on March 27, 2019 directing that an amended plan be filed within thirty (30) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable plan.

Respectfully submitted,

s/ James K. Jones, Esq.

Id: 39031

Attorney for Trustee

Charles J. DeHart, III

Standing Chapter 13 Trustee

Ste. A, 8125 Adams Drive

Hummelstown, PA 17036

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:   MICHAEL JASON FABRIZIO  
          TERRI LEIGH FABRIZIO

CHAPTER 13

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

CASE NO: 1-18-00714-HWV

**NOTICE**

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

Ronald Reagan Federal Bldg  
Bankruptcy Courtroom, 3rd Floor  
228 Walnut Street  
Harrisburg, PA 17101

Date: July 10, 2019

Time: 09:35 AM

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: dehartstaff@pamd13trustee.com

Dated: May 30, 2019

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IN RE: MICHAEL JASON FABRIZIO  
TERRI LEIGH FABRIZIO

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE

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Movant

MICHAEL JASON FABRIZIO  
TERRI LEIGH FABRIZIO

CASE NO: 1-18-00714-HWV

Respondent(s)

**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on May 30, 2019, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail, unless served electronically.

DAWN MARIE CUTAIA, ESQUIRE  
115 EAST PHILADELPHIA STREET  
YORK, PA 17401-

Served electronically

United States Trustee  
228 Walnut Street  
Suite 1190  
Harrisburg, PA 17101

Served electronically

MICHAEL JASON FABRIZIO  
2650 FRIENDS CIRCLE  
YORK, PA 17408

Served by 1<sup>st</sup> Class Mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: May 30, 2019

Respectfully,  
Vickie Williams  
for Charles J. DeHart, III, Trustee  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
eMail: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

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TERRI LEIGH FABRIZIO

Debtor(s)  
CHARLES J. DEHART, III  
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CASE NO: 1-18-00714-HWV

Respondent(s)

**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.